1172

Edward E. Wolfe

Current
Policy
No. 1172

U.S. Responsibilities in International Fisheries Matters

United States Department of State
Bureau of Public Affairs
Washington, D.C.

Following is a statement by Edward E. Wolfe, Deputy Assistant Secretary for Oceans and International Environmental and Scientific Affairs, before the Subcommittee on Fisheries and Wildlife Conservation and the Environment of the House Committee on Merchant Marine and Fisheries, Washington, D.C., May 2, 1989.

I am pleased to be here today to discuss the reauthorization of the Magnuson Fisheries Conservation and Management Act. I would like to say at the outset that, from the perspective of the Department of State, the act and its implementation have been a noteworthy success. The Department has no changes to recommend to the act.

As the subcommittee is aware, among the fundamental purposes of the Magnuson Act are to conserve and manage U.S. fisheries resources, to promote domestic commercial and recreational fishing under sound conservation and management principles, and to encourage the development by the U.S. fishing industry of fisheries off the coast of the United States. The principal role of the Department of State, in the process established by the act to achieve these purposes, has been to negotiate governing international fisheries agreements (GIFAs) with foreign nations desiring to operate off the U.S. coast and to allocate surplus American fisheries resources to fishermen from countries with which the United States has GIFAs in force.

"Americanization" of Fisheries

The principal fisheries policy which the United States has pursued since 1980 has been called the "Americanization" of fisheries in the U.S. exclusive economic zone (EEZ). Consistent with this policy, the Department of State and the Department of Commerce have followed the allocation criteria specified in Section 201 of the Magnuson Act. During the decade of the 1980s, direct allocations to foreign countries have fallen from a high in 1980 of 2,176,789 metric tons (MT) on both coasts, to 51,577 MT (Atlantic mackerel and bycatch species) thus far in 1989. The policy has been responsible for and, at the same time, has been driven by dramatic changes in our fisheries. The growth in the U.S. catch of Alaska pollock and the development of the squid fisheries on the east coast are two examples which come to mind. As the foreign fisheries declined, joint ventures expanded during the early part of the same period. Joint ventures, usually involving U.S. fishermen selling their catch to foreign vessels in our zone, reached a peak in 1986, when 1.5 million MT were caught. Americanization is rapidly reducing joint venture fishing operations each year, which is the intent of the law.

To send the diplomatic signal to foreign countries fishing in the U.S. EEZ that the United States was changing its approach with regard to bilateral fisheries agreements, we began several years ago to extend certain agreements for only a 2-year period. We have not renegotiated a GIFA for several years. Our approach has been to offer each GIFA nation the choice of accepting a 2-year extension of their existing agreement (with changes to make it conform with current U.S. law and policy) or to allow their agreements to expire. During the 1980s, the number of GIFAs in force has been reduced from 17 to 9, counting the comprehensive bilateral fisheries agreement with the Soviet Union. I might note at this point that we do not have a goal of elminating all GIFAs, since in some cases GIFAs are a useful vehicle for arrangements, such as joint ventures which may benefit U.S. fishermen during this stage of development of the U.S. fishing industry.

From an international perspective, the problems which the Magneson Act intended to address when it was written over a decade ago, for the most part have been resolved. That is, the United States is now fully controlling the fisheries resources off our coast. In fact, for all practical purposes, foreign fishing in the U.S. zone has been eliminated. One might say that, in a sense, a chapter in U.S. fisheries relations with countries which traditionally fished off the U.S. coast has been closed.

We are now pursuing new and innovative methods of doing business

S1.71/4:

READEX MICROFICHE best copy available

with our foreign fishing partners. For example, we have been promoting the establishment of equity joint ventures between U.S. and foreign companies. Japan has participated in the development of several *surimi* [a processed fish product] processing plants in Alaska, and other countries are currently involved in other equity investment projects.

As we have gone about the process of reducing and, in fact, practically eliminating the foreign fishing off the U.S. coast, we have inevitably encountered a reaction from the foreign governments involved. While U.S. fisheries policy and corresponding actions have not been popular with our foreign colleagues, all of the foreign nations involved have accepted the reality of coastal state control over the management of coastal fisheries resources inside 200 miles and its inevitable consequence. I might add for the record that we have not experienced any serious foreign policy problems as a result of the phase out of foreign fishing in our zone.

As one chapter of our international fisheries relations has come to a close, other international areas are requiring more of our attention. In some cases, these areas have long been the focus of considerable attention by the Department of State. We have important responsibilities in international fisheries matters other than the allocation of surplus resources to GIFA countries. Three broad areas of U.S. international fisheries interests come to mind.

Cooperation in Multiple Fisheries Zones

The first area involves the question of how to deal with fishery stocks which are partly in the U.S. zone and partly in either the zones of neighboring countries or in the high seas areas beyond the 200-mile jurisdiction of any nation. For example, one of the main issues we face in the North Pacific is the dramatically increased level of fishing by third countries in the Bering Sea beyond 200 miles, the so-called donut area. In this region, fishing vessels from Japan, Korea, Poland, and China have concentrated their efforts and increased harvests of pollock from some 100,000 MT in 1984 to about 1.3 million MT in 1988. This is totally unacceptable. According to our scientists this dramatic increase in fishing is adversely affecting economically vital U.S. pollock stocks as well as other stocks in the Bering Sea. We are currently working with the Soviet Union, the other Bering Sea coastal state, to develop measures for addressing the unregulated fisheries in the donut area. In these talks, the United States has proposed calling for a temporary moratorium on fishing in the donut by all countries, including the United States, until an adequate multilateral conservation regime for the region can be established.

Talks with the Soviet Union on mutual fisheries concerns will resume in Moscow in late May or early June. In addition to the Bering Sea donut issue, the two sides will discuss measures to conserve salmon on the high seas. Under a memorandum of understanding signed on February 9, both countries have agreed to the principle that high seas salmon fishing is a wasteful practice and should be eliminated. We also agreed to increase bilateral cooperation on high seas salmon enforcement issues. During the next meeting in Moscow, we will be discussing possible long-term regimes for the conservation of salmon throughout the North Pacific.

We also face a major conservation problem in the form of the large squid and tuna driftnet fleets from Japan, Korea, and Taiwan operating throughout the North Pacific. These fleets utilize daily some 30,000 to 40,000 miles of floating driftnet, which entangle those marine resources migrating through the fishing grounds. This type of wasteful and indiscriminate fishery takes large quantities of marine mammals, seabirds, and other nontarget living marine resources. In addition, if the fisheries operate in certain northern areas, they will intercept valuable U.S.-origin salmon. There is, in fact, evidence that squid driftnet vessels from Taiwan, and possibly other countries, are involved in illegal directed salmon fishing. For instance, the U.S. Coast Guard recently sighted several Taiwan squid driftnet vessels operating in an area that is closed to them. This incident has added to our concern with the activities of the driftnet fleets in the North Pacific.

Pursuant to the 1987 Driftnet Act, we have been involved in talks with Japan, Korea, and Taiwan with the aim of reaching adequate agreements for the monitoring and enforcement of these driftnet fleets. Although we continue to actively press for such agreements, progress has been slow in some instances and practically nonexistent in others. We have faced resistance on the grounds that fisheries on the high seas should be controlled only by the flag state. If adequate agreements are not reached by June 29, the Driftnet Act requires that the Secretary of Commerce certify such fact to the President under the Pelly amendment. The President then has the discretion to place sanctions on imports of fisheries and aquatic products from the countries involved.

U.S. Bilateral Fisheries Relationships

Soviet Union. On a more positive note, turning to the matter of neighboring countries, one approach to bilateral fisheries relations is the recently concluded comprehensive bilateral fisheries agreement with the Soviet Union, which covers all aspects of our bilateral fisheries relationship. The agreement provides for access to each other's waters on a reciprocal basis and for cooperation on fisheries issues of mutual interest. The agreement also lays the groundwork for increased cooperation on bilateral fisheries science and research issues.

This landmark agreement, which was the product of 8 years of talks, provides U.S. fishermen, for the first time, access to the Soviet 200-mile zone. Because of ongoing economic restructuring efforts in the U.S.S.R., our Embassy in Moscow informs us that there is strong Soviet interest in establishing joint enterprises with foreign companies, especially in the field of fisheries. Several U.S. companies are now in the process of finalizing joint enterprises with their Soviet counterparts which will provide for joint harvesting, processing, and marketing of fish from Soviet waters.

The Soviet agreement also provides for increased bilateral cooperation on fisheries issues of mutual concern. As noted previously, one of the major issues both countries have been considering is the effect of the vastly increasing fishing levels in the Bering Sea donut on adjacent fish stocks in the U.S. and Soviet EEZs. We have also been working jointly to address the conservation of salmon in the high seas areas of the North Pacific. I believe we are making progress in this area.

Canada. The idea of reciprocal fishing arrangements may not be appropriate in other cases involving U.S. fisheries relations with neighboring countries. In the case of the U.S.-Canada fisheries relationship, for example, such an approach would likely be very controversial. On the U.S. side, there is no domestic consensus that the United States and Canada should have a more formal fisheries relationship involving reciprocal fishing rights or joint management efforts. As we know

from past experience, unless such a domestic consensus exists, it is futile for the government to proceed. At the same time, we recognize the need for close cooperation with Canada on fisheries matters, since in some instances both countries are managing the same stocks of fish, and historically our overall fisheries trade and industry relationship has been a very close one.

Our approach has been to enhance U.S.-Canada communications on fisheries matters and to find as much common ground as possible on fisheries issues of mutual interest. At a minimum, we need to ensure that the different approaches to fisheries management used in the Canadian and U.S. systems do not conflict and thus counteract each other.

There are examples of cooperation between U.S. and Canadian fishing interests in some sectors. Canadian authorities in Nova Scotia have put in place minimum size restrictions which parallel our own. In the area of enforcement, U.S. and Canadian authorities have taken steps to increase cooperation and reduce conflicts along the U.S.-Canadian maritime boundary. Also, we are in the process of attempting to arrange with Canada a jointly sponsored conference on the scientific basis for fisheries management, which we believe could be an important step in fostering better mutual understanding of each nation's management system. The U.S. approach to our fisheries relationship with Canada has been to proceed cautiously and to pursue, on a step-by-step basis, somewhat limited and hopefully achievable goals, consulting with Congress and U.S. fishing interests as we proceed. In recognition of the long-term fisheries relationship which we will inevitably have with Canada, it is our view that we should keep the door open for closer cooperation on fisheries management issues in the future. In an effort to enhance such cooperation, we have proposed that the two governments meet in the near future to exchange views on a variety of fisheries matters.

Mexico. The United States also has an important fisheries relationship with Mexico which will require more of our attention in the years ahead. Leaving aside for the moment the question of tuna, which is probably the most important aspect of our fisheries relationship with Mexico, we do have important fisheries interests in both the Gulf of Mexico and off the Pacific coast which require cooperative efforts on the part of both countries. For example, in the Gulf there are stocks of fish such as mackerel which, in effect, are shared stocks migrating throughout the 200-mile zones of both Mexico and the United States. On the Pacific side, the same situation pertains to such fish stocks as northern anchovy and coastal migratory species which move along the coasts of both California and Baja, California. In the long run, the United States and Mexico need to work closely together in order to most effectively manage these shared stocks of fish. I recently had a very productive meeting with the new Mexican Secretary of Fisheries and other Mexican officials, and we plan to have a second meeting later this month.

Conservation and Management of Resources

A second broad international fisheries area which is the responsibility of the Department of State involves the conservation and management of anadromous U.S. fisheries resources beyond the U.S. 200-mile zone. Such conservation and management is, in my opinion, one of the more important purposes of the Magnuson Act. Our conservation efforts are complicated by the fact that foreign fleets may take U.S.-origin salmon beyond the U.S. exclusive economic zone. It seems clear that a cooperative international effort is mandatory if we are to do effectively the job required of us under the act. As I noted earlier, the driftnet negotiations with Japan, Korea, and Taiwan represent one of our major efforts to address salmon management issues. However, I would be less than candid if I reported to the committee that all of the involved countries have been cooperative.

In recent years we have also been involved in other international action to conserve U.S.-origin salmon on the high seas. In the early 1980s, the Department, through the International North Pacific Fisheries Commission, raised the issue of excessive salmon harvesting by the Japanese salmon fleet. As a result, the Japanese imposed new area restrictions on their fleet in 1982 in order to reduce the interception of North America salmon. In 1986, the Department negotiated an amendment to the commission whereby Japan would cease fishing for salmon in the high seas area of the Bering Sea by 1994.

As noted earlier, the Department is also currently seeking new ways to cooperate with the Soviet Union toward better conservation of salmon in the North Pacific. Toward this end, we signed a memorandum of understanding in February of this year at the Soviet Embassy which provides for increased sharing of information and cooperative enforcement against high seas salmon poaching. This was the first U.S.-Soviet agreement signed during the Bush Administration. The Department is continuing to explore every avenue, consistent with international law, to conserve U.S. salmon on the high seas.

I might make the observation at this point: that it was considerably easier to deal with these management issues beyond our zone when there were U.S. fisheries resources to allocate to the foreign nations with whom we have to negotiate. A few years ago, when there were surplus U.S. fisheries available for allocation to foreign nations, we had considerable leverage with which to help us achieve our goals. Now that we do not have—and are not likely to have—any surplus U.S. fish to use as a negotiating carrot, it is more difficult for us to persuade foreign governments to reduce their fishing or undertake other economically disadvantageous actions with regard to their fisheries beyond 200 miles. As I am sure the chairman [Gerry Studds] recalls, the U.S. "fish and chips" policy was an important tool in achieving our goal of full utilization and development of U.S. resources by U.S. fishermen in our EEZ. It is unclear whether under these circumstances the United States will be able to achieve all that it wants, but we are determined to do our best with the situation facing us.

Distant Water Fisheries

A third broad area of international fisheries which is the responsibility of the Department of State involves the so-called distant water fisheries which are conducted by U.S. flag vessels. To a considerable extent, these activities are not really a part of the Magnuson Act process, although one of the act's purposes is to support and encourage international fisheries agreements for the conservation and management of highly migratory species. While the United States has other distant water fisheries interests, tuna is the most important distant water fishery which we have. The U.S. tuna industry continues to be one of the major U.S. fisheries and, indeed, it is one of the world's major tuna industries. The Department has expended considerable effort around the world in attempting to negotiate both conservation and access arrangements involving U.S. tuna vessels. One of our more notable recent

successes was the negotiation and entry into force of the South Pacific Regional Fisheries Agreement, which provides access for the U.S. tuna fleet, for 5 years, to a 10 million-square-mile area of the western Pacific Ocean. Sixteen Pacific island countries are parties to this treaty.

In the eastern Pacific, we have been encouraged by recent developments which offer new hope for the negotiation of a comprehensive tuna management organization for the eastern tropical Pacific. The Inter-American Tropical Tuna Commission continues to do an outstanding job in monitoring the status of the tuna and porpoise stocks of the eastern tropical Pacific Ocean. In the Atlantic, we believe that the International Commission for the Conservation of Atlantic Tunas has been very effective in providing a mechanism for effective conservation and management of Atlantic tuna and billfish species.

Conclusion

In closing, let me reiterate that the Department of State believes—in terms of international fisheries matters as they relate to the Magnuson Act—that we have successfully achieved the intent of the act and the "Americanization" of the U.S. zone. A chapter has been closed. The new chapter is evolving which will require international cooperation, albeit differently, to continue to advance U.S. fisheries interests.■

Published by the United States Department of State • Bureau of Public Affairs
Office of Public Communication • Editorial Division • Washington, D.C. • May 1989
Editor: Sharon R. Haynes • This material is in the public domain and may be reprinted without permission; citation of this source is appreciated.

PA/OAP, Rm. 5815A
United States Department of State
Washington, D.C. 20520

OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE $300

Address Correction Requested

BULK RATE
POSTAGE & FEES PAID
U.S. Department of State
Permit No. G–130